

**2003 DRAFTING REQUEST****Bill**Received: **11/22/2002**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Steve Wieckert (608) 266-3070**By/Representing: **ted**This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Drunk Driving - penalties**Extra Copies: **TNF, ARG**Submit via email: **YES**Requester's email: **Rep.Wieckert@legis.state.wi.us**

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Drunken driving penalties

**Instructions:**

redraft 01-4770

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 11/29/2002	kfollett 12/19/2002					State
/1			rschluet 12/19/2002		lemery 12/19/2002		State
/2	phurley	kfollett	pgreensl		sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/29/2003	01/29/2003	01/30/2003	_____	01/30/2003	01/31/2003	
		kfollett		_____		sbasford	
		01/29/2003		_____		01/31/2003	

FE Sent For: 12/19/2002, 01/30/2003.

<END>

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/1			rschluet 12/19/2002		lemery 12/19/2002		State
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01/30/2003 10:39:14 AM

Page 2

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/29/2003	01/29/2003	01/30/2003	_____	01/30/2003		
		kfollett		_____			
		01/29/2003		_____			

FE Sent For: 12/19/2002.

(1/1")

01-30-2003

(1/2")

<END>

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/?	phurley 11/29/2002	kfollett 12/19/2002					
/1		1/2 kjf 1/29	rschluet 12/19/2002	30 PS	lemery 12/19/2002	per Scott @ Wieckert's office	State

12/19/2002 03:49:06 PM

Page 2

FE Sent For:

<END>

Sent for  
12/19/02  
requested  
by Tim

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Received: 11/22/2002

Received By: phurley

Wanted: As time permits

Identical to LRB:

For: Steve Wieckert (608) 266-3070

By/Representing: ted

This file may be shown to any legislator: NO

Drafter: phurley

May Contact:

Addl. Drafters:

Subject: Drunk Driving - penalties

Extra Copies: TNF, ARG

Submit via email: YES

Requester's email: Rep.Wieckert@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Drunken driving penalties

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**Instructions:**

redraft 01-4700

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

11/19/02  
12/19/02

Typed

Proofed

&lt;END&gt;

12-19-02

2001 BILL

Regen

1 AN ACT *to amend* 343.307 (1) (intro.) and 343.307 (2) (intro.); and *to create*  
 2 343.305 (10q) and 346.65 (6m) of the statutes; **relating to:** allowing courts to  
 3 order that certain approvals, licenses, permits, registrations, registration  
 4 certificates, or certifications be restricted, limited, suspended, withheld,  
 5 denied, or refused in certain offenses involving operating a motor vehicle while  
 6 intoxicated.

*Analysis by the Legislative Reference Bureau*

Under current law, if a person is convicted of operating a motor vehicle while intoxicated or while having a prohibited alcohol concentration or is found to have improperly refused to have his or her blood alcohol concentration tested (OWI), the person is subject to penalties based on the number of previous OWI offenses that the person has committed.

Under this bill, in addition to the penalties imposed by current law, if a person commits a fifth OWI offense, a court may order any licensing agency, or request the supreme court or the Lac du Flambeau band of the Lake Superior Chippewa, to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than five years any approval for hunting or fishing that the person holds or applies for.

This bill also allows, if a person commits a sixth or greater OWI offense, a court to order any licensing agency, or request the supreme court or the Lac du Flambeau

X

X



**BILL**

band of the Lake Superior Chippewa, to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than five years any professional license that the person holds or applies for.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1        **SECTION 1.** 343.305<sup>✓</sup> (10q) of the statutes is created to read:

2        343.305 (10q) LICENSES AND APPROVALS. (a) If the person has 5<sup>✓</sup> or more prior  
3        convictions, suspensions, or revocations, as counted under s. 343.307 (2), the  
4        procedure under s. 346.65<sup>✓</sup> (6m) shall be followed regarding the restriction,  
5        limitation, suspension, withholding, denial, refusal to grant or issue, or refusal to  
6        renew or revalidate any approval for an activity specified in s. 29.024<sup>✓</sup> or 29.229<sup>✓</sup>.

7        (b) If the person has 6<sup>✓</sup> or more prior convictions, suspensions, or revocations,  
8        as counted under s. 343.307 (2), the procedure under s. 346.65 (6m) shall be followed  
9        regarding the restriction, limitation, suspension, withholding, denial, refusal to  
10       grant or issue, or refusal to renew or revalidate any license, as defined in s. 346.65<sup>✓</sup>  
11       (6m) (a) 1.

12       **SECTION 2.** 343.307 (1) (intro.) of the statutes, as affected by 1997 Wisconsin  
13       Act 34<sup>x</sup>, is amended to read:

14       343.307 (1) (intro.) The court shall count the following to determine the length  
15       of a revocation under s. 343.30 (1q) (b) and to determine the penalty under s. 346.65  
16       (2) or (6m):<sup>✓</sup>

17       **SECTION 3.** 343.307 (2) (intro.) of the statutes is amended to read:

18       343.307 (2) (intro.) The court shall count the following to determine the length  
19       of a revocation under s. 343.305 (10) and to determine the penalty under s. 343.305<sup>✓</sup>

**BILL**

1 (10q) or 346.65 (2j) and to determine the prohibited alcohol concentration under s.  
2 340.01 (46m):

3 **SECTION 4.** 346.65 (6m) of the statutes is created to read:

4 346.65 (6m) (a) In this subsection:

5 1. "License" has the meaning given in s. 49.857 (1) (d), but does not include a  
6 license specified in s. 49.857 (1) (d) 2. or 2m.

7 2. "Licensing agency" means a board, office or commissioner, or department, or  
8 division within a department, that grants or issues a license or an approval for an  
9 activity specified in s. 29.024 or 29.229.

10 3. "Licensing authority" means the supreme court or the Lac du Flambeau band  
11 of the Lake Superior Chippewa.

12 (b) In addition to the other penalties provided under this section, if the number  
13 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
14 number of suspensions, revocations, and other convictions counted under s. 343.307  
15 (1), equals 5, a judge may enter an order requiring any licensing agency or requesting  
16 any licensing authority to restrict, limit, suspend, withhold, deny, refuse to grant or  
17 issue, or refuse to renew or revalidate for a period of not more than 5 years any  
18 approval for an activity specified in s. 29.024 or 29.229 that the person holds or  
19 applies for. For purposes of this paragraph, suspensions, revocations, or convictions  
20 arising out of the same incident or occurrence shall be counted as one. The court shall  
21 notify the department, in a form and manner prescribed by the department, that an  
22 order has been entered under this paragraph.

23 (c) In addition to the other penalties provided under this section, if the number  
24 of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total  
25 number of suspensions, revocations, and other convictions counted under s. 343.307

**BILL**

(1), equals 6 or more, a judge may order any licensing agency or request any licensing authority to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than 5 years any license that the person holds or applies for. For purposes of this paragraph, suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one. The court shall notify the department, in a form and manner prescribed by the department, that an order has been entered under this paragraph.

(d) If the department receives a record of conviction that contains an order made pursuant to par. (b) or (c), the department shall notify any licensing agency or any licensing authority specified in the order that an order has been made pursuant to par. (b) or (c).

(e) No provision in any statute that entitles an applicant or the holder of a license to a notice or hearing applies to a restriction, limitation, suspension, withholding, denial, refusal to grant or issue, or refusal to renew or revalidate any approval or license made pursuant to par. (b) or (c).

**SECTION 5. Initial applicability.**

(1) This act first applies to violations committed or refusals occurring on the effective date of this subsection, but does not preclude the counting of other convictions, suspensions, or revocations as prior convictions, suspensions, or revocations for purposes of administrative action by the department of transportation, sentencing by a court, or revocation or suspension of motor vehicle operating privileges.

**SECTION 6. Effective date.**

(1) This act takes effect on January 1, 2004.

2004

(END)

**THIS DRAFT WAS INTRODUCED AS: 2003**

**Barman, Mike**

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**From:** Barman, Mike  
**Sent:** Tuesday, January 14, 2003 9:54 AM  
**To:** Rep.Wieckert  
**Subject:** LRB-0846/1 (FE by DOT - attached - for your review)



LRB-0846\_DOT.pdf

LRB-0846\_DOT.pdf



## Fiscal Estimate Narratives

DOT 1/14/2003

LRB Number 03-0846/1	Introduction Number	Estimate Type	Original
<b>Subject</b>			
Drunken driving penalties			

### Assumptions Used in Arriving at Fiscal Estimate

#### Conclusion:

This proposal requires WisDOT to relay licensing actions for fishing, hunting and related licenses taken by courts to appropriate licensing entities for individuals convicted of five or more OWI offenses.

It requires WisDOT to relay licensing actions for professional licenses taken by courts to appropriate licensing entities for individuals convicted of six or more OWI offenses.

#### Costs:

\$46,930 one-time cost for modifications to automated systems to receive information from circuit courts and disperse it to appropriate entities.

#### Basis for Conclusion and Key Assumptions:

These referrals would be part of a completely automated process through the Circuit Court Automated Processing system (CCAP) and WisDOT systems.

This proposal would require modifications to CCAP systems in addition to those represented here to WisDOT systems.

Circuit Courts would be responsible for providing accurate mailing information as WisDOT would not build or maintain a database of such agencies.

WisDOT would simply pass the information along to the appropriate agencies and would not verify that the person has reached a 5th or 6th level offense. No copy of the notification would be maintained by WisDOT.

### Long-Range Fiscal Implications

None

## Fiscal Estimate Worksheet - 2003 Session

Detailed Estimate of Annual Fiscal Effect



Original



Updated



Corrected



Supplemental

<b>LRB Number</b> <b>03-0846/1</b>	<b>Introduction Number</b>	
<b>Subject</b>		
Drunken driving penalties		
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>		
\$46,930 one-time cost for modifications to automated systems to receive information from circuit courts and disperse it to appropriate entities.		
<b>II. Annualized Costs:</b>	<b>Annualized Fiscal Impact on funds from:</b>	
	Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>		
State Operations - Salaries and Fringes	\$	
(FTE Position Changes)		
State Operations - Other Costs		
Local Assistance		
Aids to Individuals or Organizations		
<b>TOTAL State Costs by Category</b>	<b>\$</b>	<b>\$</b>
<b>B. State Costs by Source of Funds</b>		
GPR		
FED		
PRO/PRS		
SEG/SEG-S		
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, ets.)</b>		
	Increased Rev	Decreased Rev
GPR Taxes	\$	\$
GPR Earned		
FED		
PRO/PRS		
SEG/SEG-S		
<b>TOTAL State Revenues</b>	<b>\$</b>	<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>		
	<u>State</u>	<u>Local</u>
NET CHANGE IN COSTS	\$	\$
NET CHANGE IN REVENUE	\$	\$
<b>Agency/Prepared By</b>		
<b>Authorized Signature</b>		<b>Date</b>
DOT/ John Alley (608) 266-0614		1/14/2003
Carol Buckmaster (608) 267-6979		



2 (ml)

## 2003 BILL

ReGen

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2 343.305 (10q) and 346.65 (6m) of the statutes; relating to: allowing courts to  
3 order that certain ~~approvals, licenses, permits, registrations, registration~~  
4 ~~certificates,~~ or certifications be restricted, limited, suspended, withheld,  
5 denied, or refused in certain offenses involving operating a motor vehicle while  
6 intoxicated.

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*Analysis by the Legislative Reference Bureau*

Under current law, if a person is convicted of operating a motor vehicle while intoxicated or while having a prohibited alcohol concentration or is found to have improperly refused to have his or her blood alcohol concentration tested (OWI), the person is subject to penalties based on the number of previous OWI offenses that the person has committed.

Under this bill, in addition to the penalties imposed by current law, if a person commits a fifth OWI offense, a court may order any licensing agency, or request the Supreme Court or the Lac du Flambeau band of the Lake Superior Chippewa, to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than five years any approval for hunting or fishing that the person holds or applies for.

This bill also allows, if a person commits a sixth or greater OWI offense, a court may order any licensing agency, or request the Supreme Court or the Lac du Flambeau

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**BILL**

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5           limitation, suspension, withholding, denial, refusal to grant or issue, or refusal to  
6           renew or revalidate any approval for an activity specified in s. 29.024 or 29.229.

7           <sup>no 4P</sup>  
8           (b) If the person has 6 or more prior convictions, suspensions, or revocations,  
9           as counted under s. 343.307 (2), the procedure under s. 346.65 (6m) shall be followed  
10           regarding the restriction, limitation, suspension, withholding, denial, refusal to  
11           grant or issue, or refusal to renew or revalidate any license, as defined in s. 346.65  
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2. "Licensing agency" means a board, office or commissioner, or department, or division within a department, that grants or issues a license ~~or an approval for an activity specified in s. 29.024 or 29.229.~~

3. "Licensing authority" means the supreme court or the Lac du Flambeau band of the Lake Superior Chippewa.

~~(b) In addition to the other penalties provided under this section, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307 (1), equals 5, a judge may enter an order requiring any licensing agency or requesting any licensing authority to restrict, limit, suspend, withhold, deny, refuse to grant or issue, or refuse to renew or revalidate for a period of not more than 5 years any approval for an activity specified in s. 29.024 or 29.229 that the person holds or applies for. For purposes of this paragraph, suspensions, revocations, or convictions arising out of the same incident or occurrence shall be counted as one. The court shall notify the department, in a form and manner prescribed by the department, that an order has been entered under this paragraph.~~

(L) ~~(c)~~ In addition to the other penalties provided under this section, if the number of convictions under ss. 940.09 (1) and 940.25 in the person's lifetime, plus the total number of suspensions, revocations, and other convictions counted under s. 343.307

**BILL**

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**SECTION 6. Effective date.**

(1) This act takes effect on January 1, 2004.

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